

REMARKS

Status of the claims:

Claims 1-13 are pending with claims 6-9 having been withdrawn from a prior restriction requirement. Thus, claims 1-5 and 10-13 are pending and ready for further action on the merits. Reconsideration is respectfully requested in light of the following remarks.

Rejections under 35 USC §§103

Claims 1 and 3 are rejected under 35 USC §102(b) as being anticipated by Ota '008 (JP 06-57008).

Claims 2 and 10-12 are rejected under 35 USC §102(b) as being anticipated by or alternatively under 35 USC §103(a) as being unpatentable over Ota '008.

Applicants traverse.

The Examiner continues to assert that component (C) is melt kneaded by a side feeder. In particular, the Examiner continues to assert that "Ota discloses components A) and B) in their process "melt kneads component C) by the side feeder"". .

Applicants believe that the Examiner excessively emphasizes the sentence "melt kneads component C) by the side feeder" while ignoring the teachings in the rest of Ota '008. The Examiner is reminded that the specification as a whole should be examined for the teachings of that patent or references. See, for

example, *In re American Academy of Science Tech Center*, 70 USPQ2d 1827 (Fed. Cir. 2004).

When one considers the specification as a whole and in particular, other aspects of the Ota '008 patent, it is clear that Ota '008 does not melt knead component C) in the side feeder.

First, if "melt kneads component C) by the side feeder" is interpreted in the way the Examiner asserts, the passage that follows this passage, that is, "so that a resin composition is manufactured by only one cycle of melt-kneading", is meaningless. Please note that this passage recites "melt-kneading" and not "melting". If the "melting-kneading" of component C) occurs in the side feeder and again in the extruder, one of ordinary skill in the art would immediately recognize that this is two cycles of "melt-kneading".

Second, Applicants respectfully point out that at page 14, at lines 4 to 1 from the bottom, Ota '008 suggests a preferable length after the side feeder and recites "If the length is shorter than that, the components cannot be melted, and vents are increased . . ." In other words, if component (C) is already melted and kneaded in the side feeder, component (C) would not have to be melted again and a long length after the side feeder would not be required for melting the components.

In other words, this teaches away from melting component (C) in the side feeder.

Moreover, if component (C) is melted and kneaded in the side feeder, Ota '008 should refer to the temperature of the side feeder. However, Ota '008 merely mentions the temperature of the barrel of the extruder (see, for example, page 14, lines 9-12 as well as application example 1). Applicants submit that because C) is not melted in the side feeder, there is no need to mention the temperature of the side feeder. Consequently, this is why no temperature is mentioned.

Thus, Applicants submit that when one of ordinary skill in the art reads the application as a whole, it is clear that component C) is not melted in the side feeder. Withdrawal of the rejections is warranted and respectfully requested.

With the above remarks, Applicants believe that the claims, as they now stand, define patentable subject matter such that passage of the instant invention to allowance is warranted. A Notice to that effect is earnestly solicited.

If any questions remain regarding the above matters, please contact Applicant's representative, T. Benjamin Schroeder (Reg. No. 50,990), in the Washington metropolitan area at the phone number listed below.


Pursuant to the provisions of 37 C.F.R. §§ 1.17 and 1.136(a), Applicants respectfully petition for a two (2) month extension of time for filing a response in connection with the present application. The required fee of \$420.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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